IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 747 of 2004

Sadashiv Khanderao Mathure .. Petitioner

versus

Mahadu Hashaba Thakur, since deceased

through his LRs Smt.P.M.Thakur & Ors.. Respondents

...

Ms.Leena Patil for the petitioner.

Mr.S.M. Kamble for responent nos.1A and B1 to B5.

CORAM : D.G. KARNIK, J

DATED : 23rd April 2007.

P.C.:

1. Heard.

2. This Writ Petition is directed against the order dated 18th January 2002 passed by Maharashtra Revenue Tribunal allowing the Revision Petition filed by the respondent.

3. The respondents are the heirs of Mahadu Thakur who was the tenant. He was in occupation of the suit premises on the Tiller’s Day and therefore

became a statutory purchaser of the agricultural land. He was declared to be a purchaser in an enquiry under section 32-G of the Bombay Tenancy & Agricultural Lands Act, 1948. Learned counsel for the petitioner submitted that the tenant purchaser did not pay the purchase price in time and therefore, the sale should have been declared as ineffective. He secondly contended that the purchase price paid was subsequently and that too by a stranger at the instance of the tenant purchaser. This could not have been done and therefore, the Revenue Tribunal erred in accepting that the respondents had become the statutory purchaser.

4. As the purchase price has since paid, the same has been the grievance that the purchase price was not paid in my view does not survive. The only grievance is that the purchase price has been paid at the instance of the respondent tenant by a stranger. Under section 2(d) of the Contract Act, consideration can flow from the promisee or any other person. In the circumstances, the grievance that somebody else paid the purchase price on behalf of the respondent tenant also has no merit.

5. Writ Petition is rejected summarily.

(D.G. KARNIK, J)